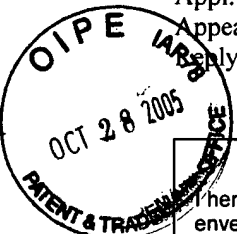


AF  
IAW

Appl. No. 09/897,383  
Appeal Brief Dated October 26, 2005  
Reply to Office Action of April 27, 2005



**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Appeal Brief - Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on October 26, 2005.

Attorney for Applicant(s)

**PATENT APPLICATION**  
**Docket No. SLA1068**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s):	Sachin Deshpande	)	
		)	
Serial No.:	09/897,383	)	
		)	
Filed:	July 2, 2001	)	Group Art
		)	Unit: 2155
For:	METHODS AND SYSTEMS FOR SCALABLE STREAMING OF IMAGES WITH CLIENT-SIDE CONTROL	)	
		)	
Examiner:	Wang, Liang Che A	)	

**APPELLANTS' APPEAL BRIEF**

Mail Stop Appeal Brief - Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

An Office Action dated April 27, 2005 rejected all claims (claims 25-41) in the present application. A Notice of Appeal was transmitted by facsimile on August 26, 2005. Appellants' Appeal Brief is being filed herewith.

**1. REAL PARTY IN INTEREST**

The real party in interest is the assignee, Sharp Laboratories of America, Inc.

## **2. RELATED APPEALS AND INTERFERENCES**

There are no related appeals or interferences.

## **3. STATUS OF CLAIMS**

All claims, 25-41, stand rejected.

Claims 25-29, 33-38, and 41 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Guedalia, U.S. Patent No. 6,356,283 (hereinafter, "Guedalia"). Claims 30-32 and 39-40 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Guedalia in view of Applicant's Admitted Prior Art (hereinafter "Prior Art").

Appellants appeal the rejections of claims 25-41.

## **4. STATUS OF AMENDMENTS**

No amendments have been filed in response to the final rejection mailed on April 27, 2005.

## **5. SUMMARY OF CLAIMED SUBJECT MATTER**

Independent method claims 25 and 33 and apparatus claim 41 all comprise the element of "reading an initial part of an image file at a client, said file being hosted on a server. This element is described in the specification at page 10, lines 1 & 11-16, page 11, lines 5, 10 & 20, page 12, lines 4 & 13, and other locations.

These independent claims also comprise the element of "parsing said initial part" of an image file "to identify any additional parts that may be needed to render a selection of said image file." This element is described with reference to Figure 1 and other figures. A description of this element is found on page 8, lines 22 to 23; page 9 line 21 to page 10 line 6; page 10 line 13 to page 12 line 22 and elsewhere.

These independent claims also comprise the element of "requesting said additional parts from said server when said additional parts are needed." This element is described with reference to Figure 1 and other figures. A description of this element is found on page 10, line 17 to page 14 line 16 and elsewhere.

In independent method claim 34, the customized image transmission comprises the element of “reading an image index file” associated with an image file, wherein the index file comprises a map of components of the image file. This element is illustrated in Figure 1 and other figures. A description of this element is found on page 4, lines 5 to 8 and page 8, line 18 to page 9 line 2 and elsewhere. The index file element is also described in detail in the parent application.

This claim also comprises the element of “determining, at said client using said index file data, the parts of said image file that are required to display a selected part of said image file.” This element is illustrated in Figure 1 and other figures. A description of this element is found on page 4, lines 5 to 8 and page 8, line 18 to page 9 line 2 and elsewhere. The index file element is also described in detail in the parent application.

## **6. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL**

I. Claims 25-29, 33-38, and 41 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,356,283, by Guedalia.

II. Claims 30-32 and 39-40 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Guedalia in view of Applicant’s Admitted Prior Art.

## **7. ARGUMENT**

### **Claims 25-29, 33-38, and 41 have been rejected under 35 U.S.C. § 102(e)**

The examiner has rejected claims 25-29, 33-38, and 41 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,356,283, by Guedalia. This rejection is improper in that it fails to present a prima facie case of anticipation.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” M.P.E.P. § 2131 (July

1998) (citing Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). “The identical invention must be shown in as complete detail as is contained in the . . . claim.” M.P.E.P. § 2131 (July 1998) (citing Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). In addition, “the reference must be enabling and describe the applicant’s claimed invention sufficiently to have placed it in possession of a person of ordinary skill in the field of the invention.” In re Paulsen, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994).

Claims 25, 33 and 41 comprise the element of “parsing said initial part” of an image file “to identify any additional parts that may be needed to render a selection of said image file” or an equivalent element. Claims 26-32, which are dependent on claim 25 comprise this element by dependence. Guedalia does not teach this image file parsing element. The parsing taught in Guedalia (Col 20 lines 10-14) refers to parsing an Internet Imaging Protocol (IIP) request and not the actual image file as claimed in claim 25. The method of Guedalia requires the use of a proprietary FLASHPIX® image file and a complementary Internet Imaging Protocol (IIP). Using these file and protocol formats, a server, running specialized software, receives an IIP request and parses the *request* to determine what image file tiles should be sent to satisfy the request. Embodiments of the present invention as claimed in claim 25 do not require a specialized imaging protocol and complementary image file format. These embodiments are able to parse and interpret the *image file* directly thereby reducing transmission overhead and latency from a request/response protocol. Guedalia does not teach this element, but rather teaches away from reading the image file directly with a request/response protocol method.

Claim 34 comprises the element of “reading an image index file” associated with an image file, wherein the index file comprises a map of components of the image file. This index

file is not taught in Guedalia or other prior art. Guedalia teaches use of an image map (Col 4 lines 4-6, Col 24 lines 24-33). The image map taught in Guedalia is significantly different from the index file of the claimed invention in that it refers to a displayed image which appends an X,Y coordinate to the URL sent to the server in response to a user click within the image. (Col 24 lines 26-28) The index file of the present invention comprises an index that correlates segments of the codestream with precinct, resolution, component and layer information for a code-block. This index file may be used to facilitate retrieval of a particular portion of the codestream. The index file correlates this data with a number of possible image selections. The image map of Guedalia simply conveys a user selection of a spatial position on a displayed image. Accordingly, Guedalia does not teach the use of an index file as claimed in claim 34.

Claims 35-40 are dependent on claim 34 and contain the same novel and non-obvious elements therein. Accordingly, claims 35-40 are believed to be patentable in their current form.

Claims 30-32 and 39-40 have been rejected under 35 U.S.C. § 103(a)

Claims 30-32 and 39-40 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Guedalia in view of Applicant's Admitted Prior Art. However, this rejection is improper in that it fails to present a prima facie case of obviousness.

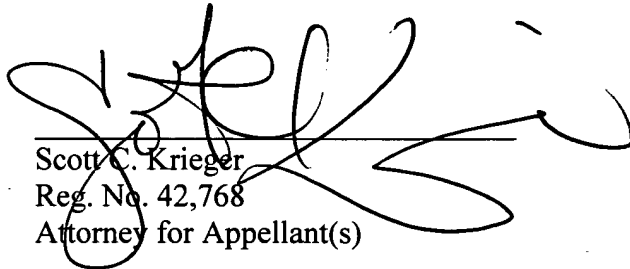
To establish a prima facie case of obviousness, there must be more than the demonstrated existence of all of the components of the claimed subject matter. There must be some reason, suggestion, or motivation found in the prior art whereby a person of ordinary skill in the field of the invention would make the substitutions required. That knowledge cannot come from the applicants' disclosure of the invention itself. *Diversitech Corp. v. Century Steps, Inc.*, 850 F.2d 675, 678-79, 7 USPQ2d 1315, 1318 (Fed. Cir. 1988); *In re Geiger*, 815 F.2d 686, 688, 2 USPQ2d 1276, 1278 (Fed. Cir. 1987); *Interconnect Planning Corp. v. Feil*, 774 F.2d 1132, 1143, 227 USPQ 543, 551 (Fed. Cir. 1985).

Claims 30-32 & 39-40

In this rejection, the examiner relies on Guedalia as disclosing the elements of claim 25, on which claims 30-32 depend. The combination of Guedalia and Applicant's Admitted Prior Art does not disclose ~~any~~ more in relation to the element of parsing an image file than Guedalia alone. This rejection is improper for the reasons stated above in relation to claim 25.

Reversal of the Examiner's rejections and allowance of the pending claims is respectfully requested.

Respectfully submitted,



\_\_\_\_\_  
Scott C. Krieger  
Reg. No. 42,768  
Attorney for Appellant(s)

Date: October 26, 2005

Scott C. Krieger, Esq.  
Krieger Intellectual Property, Inc.  
P.O. Box 1073  
Camas, WA 98607  
Telephone: (360) 828-0589



28 (previously presented). The method of claim 25 wherein the size of said initial part is relative to the bandwidth of the connection between said server and said client.

29 (previously presented). The method of claim 25 wherein said initial part  
5 comprises metadata comprising data selected from the group consisting of image quality data, scalability data, resolution data and ROI data.

30 (previously presented). The method of claim 25 wherein said image file is a JPEG 2000 image file.

10

31 (previously presented). The method of claim 25 wherein said image file comprises packets interleaved in a progression order selected from the group consisting of layer-resolution-component-position progressive, resolution-layer-component-position progressive, resolution-position-component-layer progressive, position-component-  
15 resolution-layer progressive and component-position-resolution-layer progressive.

32 (previously presented). The method of claim 25 wherein said initial part comprises file header data.



33 (previously presented). A method for interactive customized image transmission, said method comprising the acts of:

- reading an initial part of an image file from a client, said file being hosted on a server;
- 5 parsing said initial part to identify any additional parts that may be needed to render a representation of said image file;
- requesting said additional parts from said server when said additional parts are needed;
- displaying said representation of said image file at said client through a client image interface;
- 10 receiving an image customization selection of said image via said client image interface;
- parsing supplementary image parts when said initial part and said additional parts do not contain sufficient information to identify
- 15 any subsequent parts that may be needed to render said customization of said image file; and
- receiving said customization of said image at said client.

34 (previously presented). A method for customized image transmission, said method comprising the acts of:

reading an image index file from a client, said index file being hosted on a server along with an associated image file, and said index file comprising a map of components of said image file;  
5 determining, at said client using said index file data, the parts of said image file that are required to display a selected part of said image file; and  
requesting transmission of said selected parts from said server to said  
10 client.

35 (previously presented). The method of claim 34 further comprising displaying said selected part of said image file at said client.

15 36 (previously presented). The method of claim 35 wherein said displaying is performed via a client image interface and further comprising allowing selection of an image customization selection via said client image interface.

37 (previously presented). The method of claim 36 further comprising accessing  
20 said index file to determine image parts of said image file that are required to display said image customization selection and requesting said required image parts.

38 (previously presented). The method of claim 37 further comprising displaying said image customization selection at said client.

39 (previously presented). The method of claim 25 wherein said image file is a JPEG 2000 image file.

5

40 (previously presented). The method of claim 25 wherein said image file comprises packets interleaved in a progression order selected from the group consisting of layer-resolution-component-position progressive, resolution-layer-component-position progressive, resolution-position-component-layer progressive, position-component-resolution-layer progressive and component-position-resolution-layer progressive.

10

41 (previously presented). An apparatus for customized image retrieval, said apparatus comprising:

a reader for reading an initial part of an image file at a client, said file being hosted on a server;

15

a parser for parsing said initial part to identify any additional parts that may be needed to render a portion of said image file; and

a requester for requesting said additional parts from said server when said additional parts are needed.



<b>TRANSMITTAL FORM</b>  <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/897,383	
	Filing Date	July 2, 2001	
	First Named Inventor	Sachin Deshpande	
	Art Unit	2155	
	Examiner Name	L. Wang	
Total Number of Pages in This Submission		Attorney Docket Number	SLA01068

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment / Reply  <input type="checkbox"/> After Final  <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application  <input type="checkbox"/> Reply to Missing Parts under 37 CFR1.52 or 1.53	<input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition  <input type="checkbox"/> Petition to Convert to a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s) ____  <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Check in the amount of \$500.00 to pay for Appeal Brief.
<b>Remarks</b>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm	Krieger Intellectual Property, Inc.		
Signature			
Printed Name	Scott C. Krieger		
Date	October 26, 2005	Reg. No.	42,768

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Appeal Brief, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Signature			
Typed or printed name	Scott C. Krieger	Date	October 26, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.